

**RECEIVED
CENTRAL FAX CENTER****Yee &
Associates, P.C.**4100 Alpha Road
Suite 1100
Dallas, Texas 75244**OCT 25 2004**Main No. (972) 385-8777
Facsimile (972) 385-7766**Facsimile Cover Sheet**

| | |
|--|--|
| To: Commissioner for Patents for Examiner Elaine L. Gort Group Art Unit 3627 | Facsimile No.: 703/872-9306 |
| From: Monica Gamez Legal Assistant to Barry Jones | No. of Pages Including Cover Sheet: 27 |
| Message: Attached is a copy of the following documents: <ul style="list-style-type: none">• Transmittal document;• Response to Notification of Non-Compliance with the Requirements of 37 CFR 1.192(c)• Copy of Notification of Non-Compliance with the Requirements of 37 CFR 1.192(c)• Appeal Brief (37 C.F.R. 41.37); and• Petition for Extension of Time within the First Month. | |
| Re: Application No. 09/679,781 Attorney Docket No: AUS9-2000-0557-US1 | |
| Date: Monday, October 25, 2004 | |
| Please contact us at (972) 385-8777 if you do not receive all pages indicated above or experience any difficulty in receiving this facsimile. | <i>This Facsimile is intended only for the use of the addressee and, if the addressee is a client or their agent, contains privileged and confidential information. If you are not the intended recipient of this facsimile, you have received this facsimile inadvertently and in error. Any review, dissemination, distribution, or copying is strictly prohibited. If you received this facsimile in error, please notify us by telephone and return the facsimile to us immediately.</i> |

*Received 6 pages
C.I.C.
Missing 7-27*

**PLEASE CONFIRM RECEIPT OF THIS TRANSMISSION
BY FAXING A CONFIRMATION TO 972-385-7766.**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

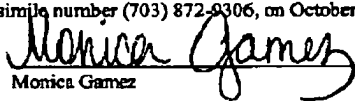
RECEIVED
CENTRAL FAX CENTER
OCT 25 2004In re application of: **Dunsmore et al.**Serial No.: **09/679,781**Filed: **October 5, 2000**For: **Pay at the Table System**

35525

PATENT TRADEMARK OFFICE
CUSTOMER NUMBER§
§
§
§
§Group Art Unit: **3627**Examiner: **Gort, Elaine L.**Attorney Docket No.: **AUS9-2000-0557-US1**Certificate of Transmission Under 37 C.F.R. § 1.8(a)

I hereby certify this correspondence is being transmitted via facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile number (703) 872-9306, on October 25, 2004.

By:


Monica GamezTRANSMITTAL DOCUMENTCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

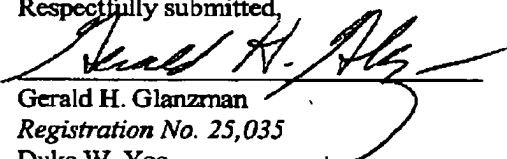
Sir:

ENCLOSED HEREWITH:

- Response to Notification of Non-Compliance with the Requirements of 37 CFR 1.192(c)
- Copy of Notification of Non-Compliance with the Requirements of 37 CFR 1.192(c)
- Appeal Brief (37 C.F.R. 41.37); and
- Petition for Extension of Time within the First Month.

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. A fee of \$110.00 is required for a one-month extension of time. Please charge this fee to IBM Corporation Deposit Account No. 09-0447. No additional extension of time is believed to be necessary. If, however, an additional extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,


Gerald H. Glanzman

Registration No. 25,035

Duke W. Yee

Registration No. 34,285

YEE & ASSOCIATES, P.C.

P.O. Box 802333

Dallas, Texas 75380

(972) 385-8777

ATTORNEYS FOR APPLICANTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re application: **Dunsmore et al.**Serial No.: **09/679,781**Filed: **October 5, 2000**For: **Pay at the Table System**§
§
§
§
§
§
§Group Art Unit: **3627**Examiner: **Gort, Elaine L.**Attorney Docket No.: **AUS9-2000-0557-US1****RECEIVED**
CENTRAL FAX CENTER
OCT 25 2004**Certificate of Transmission Under 37 C.F.R. § 1.8(a)**

I hereby certify this correspondence is being transmitted via facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile number (703) 872-9306, on October 25, 2004.

By: 

Monica Garnez

RESPONSE TO NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF
37 CFR 1.192(c)Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Notification Of Non-Compliance With The Requirements Of 37 CFR 1.192(c) mailed August 25, 2004, in the above referenced application.

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. A fee of \$110.00 is required for a one-month extension of time. Please charge this fee to IBM Corporation Deposit Account No. 09-0447. No additional extension of time is believed to be necessary. If, however, an additional extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

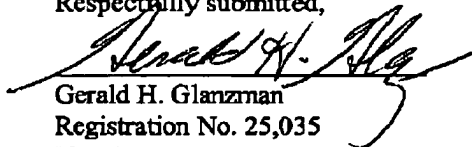
REMARKS

The Examiner has stated that the Appeal Brief is not in compliance with 37 CFR 1.192(c)(5) because it does not contain a concise explanation of the invention defined in the claims involved in the appeal, which refers to the specification by page and line number, and the drawing, if any, by reference characters. Further, the Examiner states that Appeal Brief is not in compliance with 37 CFR 1.192(c)(7) because Appellants have not presented reasons in support of the grouping of the claims. In particular, Appellants have not provided arguments for claims 66 and 68.

Enclosed herewith is a corrected Appeal Brief that overcomes the above objections. In particular, Appellants have corrected the summary of the invention to be in compliance with 37 CFR 1.192(c)(5) by including references to the specification by page and line number and to the drawings by reference characters and have reformed the grouping of the claims to include claims 66 and 68 so as to be in compliance with 37 CFR 1.192(c)(7).

Date: October 25, 2004

Respectfully submitted,



Gerald H. Glanzman

Registration No. 25,035

Yee & Associates, P.C.

P.O. Box 802333

Dallas, Texas 75380

(972) 385-8777

ATTORNEY FOR APPLICANTS

GG/bj



UNITED STATES PATENT AND TRADEMARK OFFICE

7047-P378US
IBM
COPY

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1459
Alexandria, Virginia 22311-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-------------------------|---------------------|------------------|
| 09/679,781 | 10/05/2000 | Rodney Charles Dunsmore | AUS9-2000-0557-US1 | 8696 |
| 7590 | 08/25/2004 | | EXAMINER | |
| Kelly K Kordzik 100 Congress Avenue Suite 800 Austin, TX 78701 | | | ART UNIT | PAPER NUMBER |

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

CLIENT DOCKET INFORMATION
 Client Name: AUS9-2000-0557-US1
 File No. _____
 DATE 09.24.04 ACTION DOCKETED
 Resp. to Notice of Non-compliance
 Docketed By: [Signature] Date: 9.22.04
 Checked By: [Signature] Date: 9.22.04
 Attorney Initials: [Signature] Date: 9.22.04